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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

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9 UNITED STATES OF AMERICA, )  
10 Plaintiff, )  
11 vs. ) 2:09-cr-303-JCM (VCF)  
12 ERIC LEON CHRISTIAN, )  
13 Defendant. ) ORDER  
14 )

15 Presently before the court is defendant Eric Leon Christian's request for judicial notice. (Doc.  
16 #137) and motion to reconsider the magistrate judge's order on the motion to dismiss (doc. #131).  
17 The government has not responded.

18 Mr. Christian seeks to have the court take "notice" of the actions of the United States  
19 Probation Department's actions and procedures in compiling the presentence report. The court notes  
20 that this document is not requesting "judicial notice," but rather, asserting objections to the  
21 calculation of Mr. Christian's criminal history category for purposes of sentencing. The court further  
22 notes that the presentence report in this case has not yet been drafted.

23 Additionally, Mr. Christian seeks reconsideration of his motion to dismiss, alleging that the  
24 government's case violates several constitutional amendments.

25 The instant motions are Mr. Christian's latest in a series of improper motions filed as a pro  
26 se defendant. Mr. Christian was reminded during trial, that his motions must be filed by his attorney.  
27 Pursuant to Local Rule IA 10-6, "[a] party who has appeared by attorney cannot while so represented


1 appear or act in the case.” Mr. Christian has appeared by attorney, and continues to be so  
2 represented. Accordingly, any motions he seeks this court to consider, must be filed by his attorney  
3 of record. Furthermore, neither motion includes a valid proof of service of process. *See* Local Rule  
4 5-1(a).

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Mr. Christian’s request for  
7 judicial notice (doc. #137) be, and the same hereby is, DENIED.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Mr. Christian’s motion  
9 to reconsider (doc. #131) be, and the same hereby is, DENIED.

10 DATED January 31, 2012.

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14 UNITED STATES DISTRICT JUDGE  
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